IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 857 of 2005

Between:

Smt. Nagarathnamma, W/o. Ramanjaneyulu,
R/o. Nagalapuram Village, Peddavaduguru Mandal,
Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur.
2 The Revenue Divisional Officer, Anantapur.
3 The Mandal Revenue Officer, Peddavaduguru Mandal,

Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in rejecting the stay petition not completing the enquiry by the 2nd respondent as illegal, arbitrary and consequently set aside the orders of Proceedings of 2nd respondent Rc. No. D1/CS/1516/2004, dt. 05-11-2004.

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner was appointed as a Fair Price Shop Dealer for Nagalapuram Village, Anantapur District. She complained to the 2nd respondent, Revenue Divisional Officer, Anantapur, stating that the Mandal Revenue Officer, 3rd respondent, was not supplying the essential commodities, though she made the requisite deposits and instead, the stocks were being supplied to the neighbouring Dealer. On receiving that complaint, the 2nd respondent addressed a letter, dated 16.10.2004, to the 3rd respondent stating, *inter alia*, that as long as the authorization is in force, the Dealer cannot be denied the supply of essential commodities and it is directed that the 3rd respondent shall supply the essential commodities to the petitioner.

Hardly within two weeks, the 2nd respondent suspended the authorization of the petitioner on the basis of a report, dated 30.10.2004, said to have been submitted by the 3rd respondent. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent together with an application for stay. Through his order, dated 20.11.2004, the 1st respondent rejected the application for stay. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

From a perusal of the letter, dated 16.10.2004, passed by the 2nd respondent, it is evident that he took serious exception to the action of the 3rd respondent in denying supplies to the petitioner. In fact, he relied upon a judgment of this Court in a Writ Appeal.

It was on receipt of these proceedings that the 3rd respondent is said to have conducted enquiry and submitted the report, dated 30.10.2004 to the 2nd respondent. Instead of ensuring compliance with his own order dated 16.10.2004, the 2nd respondent has meekly fell into the design and plan of the 3rd respondent, who was bent upon, some how or other to prevent supply to the petitioner. It only tells upon the audacity on the part of the 3rd respondent in over reaching the orders of superiors.

When the petitioner availed the remedy of appeal before the 1st respondent for interim orders, the 1st respondent has simply rejected the application by observing that there are no considerable grounds.

The allegations against the petitioner are vague and general. They are not referable to any particular period. When the petitioner was not supplied essential commodities for the past several months, the question of her committing any irregularities during that period does not arise. The report was submitted on 30.10.2004. The petitioner was denied commodities for few months before that date. On the face of it, the report is motivated.

For the foregoing reasons, the writ petition is allowed and it is directed that the order of suspension, dated 05.11.2004 shall remain stayed, pending the disposal of the appeal by the 1st respondent. In case the supply of essential commodities is not resumed to the petitioner from the month of February on wards, respondents 2 and 3 shall be taken to have committed contempt of Court *per se*. There shall be no order as to costs.

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28.01.2005

Note: Issue C.C. in two days.

(B/o)

Jsu

To

1 The Joint Collector, Anantapur.
2 The Revenue Divisional Officer, Anantapur.
3 The Mandal Revenue Officer, Peddavaduguru Mandal,

Anantapur District.

4 2CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad. (OUT)

5 2CD copies.